

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and following remarks.

Upon entry of the foregoing amendments, claims 1-20 will be pending in the application, with claims 1-4 and 13-14 being withdrawn from consideration. Claims 6 and 8 have been rewritten in independent form. No claims have been cancelled. Claims 15-20 have been added.

I. Exemplary Support for Claim Amendments

The following chart identifies exemplary support in the specification for the new claims.

Claim	Exemplary Support in Specification
15	Page 3, lines 29-30.
16	Page 6, lines 9-22; original claim 6.
17	Page 6, lines 9-22; original claim 8.
18	Page 6, lines 9-22.
19	Page 3, lines 29-30; page 6, lines 9-22.
20	Pages 17-18; page 6, lines 9-22.

Because the specification fully supports each new claim, no new matter has been added into the application. Accordingly, entry of the new claims by the Examiner is respectfully requested.

II. Claim 5 is Patentable over the Cited Prior Art

Claim 5 was rejected under 35 U.S.C. § 103 as allegedly being obvious over U.S. Patent No. 6,269,846 (“Overbeck”). According to the Examiner, the reference discloses a microarraying apparatus comprising a well platform, but does not disclose a height adjustment. However, the Examiner stated that the provision of adjustability involved only routine skill in the art. Applicants respectfully traverse the rejection.

The Examiner has failed to establish a *prima facie* case of obviousness, and claim 5 is patentable over Overbeck. Specifically, whether one of ordinary skill in the art *could* modify the prior art to obtain the claimed invention is only one consideration in an obviousness analysis. Obviousness also requires that the skilled artisan would have been *motivated* to do so. The Examiner has failed to establish that, prior to filing of the present application, any motivation or suggestion to make the claimed invention existed in Overbeck.

Such a motivation or suggestion does not exist in Overbeck. Applicants identified *both* a problem in the art and a solution to the problem. As such, those of ordinary skill in the art could not have been motivated to solve the problem, because they were not even aware that the problem existed. The problem identified by Applicants is that prior microarrayers were overly complex, and therefore more expensive than necessary. Prior microarrayers employed feedback mechanisms to control vertical positioning of their pin heads. Applicants realized that the technical complexity of feedback mechanisms is unnecessary if the relative heights of a spotting surface and well plates are pre-aligned, such that the pin head can be lowered to the same absolute height for both picking up liquid from the well plates and depositing it onto the spotting surface. Accordingly, Applicants conceived the claimed invention as a solution to a problem that the art did not recognize.

Because claim 5 is not obvious over Overbeck, Applicants respectfully request withdrawal of the rejection.

III. Concluding Remarks

Applicants request favorable reconsideration of the present application, as it is now in condition for allowance. If the Examiner believes that an interview would further advance prosecution, he is invited to contact the undersigned by telephone.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By Michele Simkin

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Michele Simkin
Attorney for Applicants
Registration No. 34,717